



COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION

*"Parks Make Life Better!"*

Russ Guiney, Director

John Wicker, Chief Deputy Director

Executive Offices • 433 South Vermont Avenue • Los Angeles, CA 90020-1975 • (213) 738-2961

October 16, 2012

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

12 October 16, 2012

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF LOS ANGELES AND THE CITY COUNCIL OF  
THE CITY OF SANTA CLARITA TO TRANSFER JURISDICTION OVER AND APPROVING AND  
ACCEPTING THE NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT REVENUE FOR  
LANDSCAPE AND LIGHTING ACT DISTRICT NUMBER 2, ZONE NUMBER 51 (VALENCIA HIGH  
SCHOOL); SITUATED WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF SANTA  
CLARITA;  
FROM THE COUNTY OF LOS ANGELES TO THE CITY OF SANTA CLARITA  
(SUPERVISORIAL DISTRICT 5) (3 VOTES)**

### **SUBJECT**

Adoption of the Joint Resolution for the transfer of jurisdiction over Landscape and Lighting Act District Number 2, Zone Number 51 (Valencia High School) and the accumulated Benefit Assessment Revenue to the City of Santa Clarita.

### **IT IS RECOMMENDED THAT THE BOARD:**

1. Adopt the Joint Resolution transferring jurisdiction over the above described District, and approving and accepting the negotiated exchange of benefit assessment revenue for Landscape and Lighting Act District Number 2, Zone Number 51 (Valencia High School), from the County of Los Angeles to the City of Santa Clarita.
2. Find the proposed actions not subject to the California Environmental Quality Act, because the actions do not meet the definition of a project and for the reasons cited herein.
3. Approve the Termination for Convenience of that portion of the Tesoro Del Valle Area Zone

Landscape Maintenance Agreement, Contract Number 76080, covering the maintenance of Zone Number 51 (Valencia High School).

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The recommended actions would result in the transfer of jurisdiction of Zone No. 51 (Valencia High School) from the County of Los Angeles (County) to the City of Santa Clarita (City), and the approval and acceptance of the negotiated exchange of benefit assessment revenue in Zone No. 51 (Valencia High School) effective on the latter of July 1, 2012, or a different date mutually agreed to in writing by the parties. Both parties have agreed that the Effective Date of the transfer of jurisdiction from the County to the City shall be November 1, 2012.

These actions are in accordance with Section 22612 of the California Streets and Highways Code (Streets and Highways Code), and Section 99 of the California Revenue and Taxation Code (Revenue and Taxation Code).

On January 31, 2012, the Board approved annexation No. 2010-10, which covers the area of Zone No. 51 (Valencia High School), from the County to the City. The City Council approved and adopted Joint Resolution No. 11-87 at its regular meeting on December 13, 2011.

On June 14, 2012, the Local Agency Formation Commission (LAFCO) approved annexation No. 2010-10, which covers the area of Zone No. 51 (Valencia High School), from the County of Los Angeles to the City of Santa Clarita.

As a result of the transfer of jurisdiction of Zone No. 51 (Valencia High School) to the City, the City will be providing landscaping services through its own procured contractor. Therefore, it is in the best interests of the County that the portion of Contract No. 76080, pertaining only to Zone No. 51 (Valencia High School), be terminated for convenience.

### **Implementation of Strategic Plan Goals**

These actions will further the County's Strategic Plan Goal of Fiscal Sustainability (Goal 2), strengthen and enhance the County's capacity to sustain essential County services through proactive and prudent fiscal policies and stewardship. These recommendations, in compliance with the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution, will allow the Board acting as the governing body of Landscape and Lighting Act (LLA) District No. 2, Zone No. 51 (Valencia High School), to transfer jurisdiction over Zone No. 51 (Valencia High School) from the County to the City, effective on the latter of (a) July 1, 2012; or (b) a different date mutually agreed to in writing by the County and the City.

### **FISCAL IMPACT/FINANCING**

The County's operation of Zone No. 51 (Valencia High School) has been fully funded from a special benefit assessment levy established by your Board and collected by the County Tax Assessor. The Fiscal Year (FY) 2011-12 Board adopted benefit assessment revenue for Zone No. 51 (Valencia High School) is \$378,820. The FY 2011-12 assessment and the proposed FY 2012-13 assessment for Zone No. 51 (Valencia High School) are included in Attachment A.

County operation of this Zone and its transfer to the City has no impact on the County's General Fund. This Department recommends approval of the transfer of jurisdiction of Zone No. 51 (Valencia

High School) to the City and accepting the negotiated exchange of benefit assessment revenue to enable the City to assume direct control of the services benefiting its residents. As provided for in the attached resolution, the County shall provide the City all funds in three installments.

#### **OPERATING BUDGET IMPACT**

The recommended actions will have no impact on the Department's operating budget.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Streets and Highways Code Section provides that if all of the territory of a district is included within one city as a result of an annexation, the legislative body governing that district may transfer jurisdiction over the district to the city council of the city by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place.

Section 99 of the Revenue and Taxation Code provides that prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of benefit assessment revenue to be exchanged between the affected agencies and approve and accept the negotiated exchange of benefit assessment revenue by resolution, but if the affected agency is a special district, the Board of Supervisors must negotiate on behalf of the district.

County Counsel has approved the enclosed Joint Resolution as to form.

#### **ENVIRONMENTAL DOCUMENTATION**

The proposed actions are not subject to the California Environmental Quality Act (CEQA) in that the actions do not meet the definition of a project according to Section 15378 (b)(5) of the State CEQA Guidelines because the actions are administrative activities which by their terms do not involve any commitments to any specific projects which may result in a potentially significant physical impact on the environment.

Furthermore, upon conveyance of the County-owned Properties, the City will be responsible for complying with any CEQA requirements in connection with the use and improvements of the property.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of these recommendations will result in the transfer of jurisdiction over Landscape and Lighting Act District Number 2, Zone Number 51 (Valencia High School) and the accumulated Benefit Assessment Revenue to the City of Santa Clarita.

#### **CONCLUSION**

It is requested that an executed copy of this document be retained by the Executive Officer-Clerk of the Board, one adopted copy each be forwarded to the Chief Executive Office, County Counsel and Auditor-Controller, and two adopted copies be forwarded to the Department of Parks and Recreation.

The Honorable Board of Supervisors

10/16/2012

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Russ Guiney", with a stylized flourish at the end.

RUSS GUINEY

Director

RG:JW:RAM

KEH:RA:rc

Enclosures

c: Chief Executive Officer  
Executive Officer, Clerk of the Board  
County Counsel  
Auditor Controller

RESOLUTION NO. 12-11

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AND THE CITY COUNCIL OF THE CITY OF SANTA CLARITA TO TRANSFER JURISDICTION OVER AND APPROVING AND ACCEPTING THE NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT PROCEEDS FOR LANDSCAPE AND LIGHTING ACT DISTRICT (LLA) NO. 2, ZONE NO. 51 VALENCIA HIGH SCHOOL; SITUATED WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF SANTA CLARITA; FROM THE COUNTY OF LOS ANGELES TO THE CITY OF SANTA CLARITA

WHEREAS, Section 22612 of the Streets and Highways Code of the State of California provides that if all of the territory of a district is included within one city as a result of an annexation or incorporation, the legislative body may transfer jurisdiction over the district to the city council of the city by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place; and

WHEREAS, Landscape and Lighting Act (LLA) District No. 2, Zone No. 51 Valencia High School, ("Zone No. 51"), currently within the jurisdiction of the County of Los Angeles (the "County"), is located within the territorial boundaries of the City of Santa Clarita (the "City"); and

WHEREAS, the County affirms that the only funding source that benefits only Zone No. 51 is a special benefit assessment levy established by the Los Angeles County Board of Supervisors and collected by the County Tax Assessor; and

WHEREAS, the funds levied pursuant to that special assessment ("Assessment Proceeds") are currently deposited into a specific account held by the County to be used only used for Zone No. 51: account # 025.53 (the "Account"); and

WHEREAS, the Account includes unspent Assessment Proceeds from prior fiscal years, unspent Assessment Proceeds from the current fiscal year, and in the future may also include additional Assessment Proceeds from prior, current or future fiscal years; and

WHEREAS, the funds within the Account can only be used within Zone No. 51; and

WHEREAS, on September 29, 2009 the County entered into an agreement number 76080 for landscape maintenance services for the Tesoro Del Valle area zones (numbers 51, 71, 72, and 74) which set a new contract expiration date of April 30, 2012, with County's sole option to extend the contract term up to two (2) additional one (1) year periods; and

WHEREAS, the County represents that the contract is in full force and effect, that County is unaware of the cancellation of any insurance policy held by the contractor, and that, to the best of County's knowledge, there has been no material breach of the contract; and

WHEREAS, the County and the City consent to the transfer of jurisdiction over Zone No. 51 located within the territorial boundaries of the City from the County to the City; and

WHEREAS, the City Council of the City has authorized the City Manager or his designee to accept the transfer of Zone No. 51 on behalf of the City and has authorized the City Manager or his designee to execute all documents necessary to complete the transfer of Zone No. 51 from the County to the City; and

WHEREAS, pursuant to Section 99 of the Revenue and Taxation Code of the State of California, prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of Assessment Proceeds to be exchanged between the affected agencies and approve and accept the negotiated exchange of Assessment Proceeds by resolution, but if the affected agency is a special district, the Board of Supervisors must negotiate on behalf of the district.

NOW, THEREFORE, the Board of Supervisors of the County of Los Angeles acting as the governing body of LLA District No. 2, Zone No. 51 Valencia High School, and the City Council of the City of Santa Clarita hereby resolve as follows:

SECTION 1. That the County and the City agree to transfer jurisdiction over Zone No. 51 from the County to the City.

SECTION 2. That the transfer shall take effect on the latter of (a) July 1, 2012; or (b) a different date mutually agreed to in writing by the parties the ("Effective Date").

SECTION 3. Upon the Effective Date of the transfer of jurisdiction from the County to the City, the County shall as provided for in Contract Number 76080 as amended, Terminate for Convenience that portion of the maintenance contract that relates to only Zone 51 but not Zone Nos. 71, 72, and 74.

SECTION 4. During Fiscal Year 2012-2013 only, the County shall continue to levy and receive all Assessment Proceeds relating to Zone No. 51. Beginning Fiscal Year 2013-2014 and thereafter, the City shall levy and receive all Assessment Proceeds relating to Zone No. 51.

SECTION 5. Upon the Effective Date, the County shall provide to the City all funds currently in the Account and all funds that may be forwarded to the Account in the future pursuant to the following schedule:

a. On or about ninety (90) days after the Effective Date of the transfer, the County shall transfer to the City sixty (60) percent of the amount in the Account at that time. This transfer shall constitute the first installment of the funds in the Account.

b. On or about one hundred eighty (180) days after the payment of the first

installment of the funds in the Account to the City, the County shall transfer to the City eighty (80) percent of the remaining funds in the Account. This transfer shall constitute the second installment of the funds in the Account.

c. On or about one hundred eighty (180) days after the second installment of the funds in the Account to the City, the County shall transfer to the City all outstanding funds in the Account. This amount will include all prior unspent funds, including any Assessment Proceeds for Fiscal Year 2011-2012 and Fiscal Year 2012-2013 which have been received to date, less any invoices to be paid by the County from these funds and less Zone 51's pro-rata share of administrative expenses, if any. Copies of any invoices paid by the County from these funds shall be provided to the City upon request. The County and the City may amend the amount of payment and/or the date of payment pursuant to written agreement.

d. If for any reason after the final payment of the balance of the funds in the Account there are any Assessment Proceeds or other funds in the Account, the County shall forward those Assessment Proceeds or funds in the Account to the City within 60 days of County's knowledge of those Assessment Proceeds or funds.

SECTION 6. The County represents that to the best of its knowledge, there are no pending or threatened claims, or administrative or court proceedings against Zone No. 51 to be transferred herein. The City, as governing body and administrator of Zone No. 51 shall provide landscape maintenance services and agrees to indemnify, defend, and hold harmless the County, and its agents, officers, and employees from any damages of any nature whatsoever, including but not limited to, bodily injury, death, personal injury, or property damage, worker's compensation suits, liability or expense, damage to Zone No. 51, or damage to applicable homeowner association and City property and equipment, arising from landscape services performed on behalf of the City for Zone No. 51.

SECTION 7. The City agrees to the terms of this Joint Resolution as executed by the City Council on the date below. Should any terms or conditions herein be changed or altered in any form or manner, after the date of execution by the City, this Joint Resolution shall be deemed null and void.

City of Santa Clarita

TRANSFER JURISDICTION OVER AND APPROVING AND ACCEPTING THE  
NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT PROCEEDS FOR  
LANDSCAPE AND LIGHTING ACT DISTRICT (LLA) NO. 2, ZONE NO. 51  
VALENCIA HIGH SCHOOL.

The foregoing Joint Resolution No. 12-11 was passed by the Board of Supervisors of  
the County of Los Angeles, State of California on October 16, 2012.

SACHI A. HAMAI,  
Executive Officer -  
Clerk of the Board of Supervisors of  
the County of Los Angeles

By: 

Deputy



APPROVED AS TO FORM

JOHN KRATTLI  
COUNTY COUNSEL

By: 

Principal Deputy County Counsel

By: 

Chairman, Board of Supervisors

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code which authorized the use of facsimile signatures of the Chairperson of the Board on all papers, documents, or instruments requiring the said signature.

The undersigned hereby certifies that on this 16<sup>th</sup> day of October, 4014, the facsimile signature of ZEVI VAROSLAVSKY Chairman Los Angeles was affixed hereto as the official execution of this document. The undersigned further certifies that on this date, a copy of the document was delivered to the Chairperson of the Board of Supervisors of the County of Los Angeles.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

SACHI A. HAMAI,  
Executive Officer-Clerk of the  
Board of Supervisors of the County of Los Angeles

By: [Signature]  
Deputy



Approved as to Form:  
JOHN KRATTLI  
COUNTY COUNSEL

By: [Signature]  
Principal Deputy County Counsel

City of Santa Clarita

TRANSFER JURISDICTION OVER AND APPROVING AND ACCEPTING THE  
NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT PROCEEDS FOR LANDSCAPE  
AND LIGHTING ACT DISTRICT (LLA) NO. 2, ZONE NO. 51 VALENCIA HIGH SCHOOL.

PASSED, APPROVED AND ADOPTED the 24th day of April, 2012  
By the following vote:

AYES: McLean, Weste, Kellar, Boydston, Ferry

ABSENT: None

NOES: None

ABSTAIN: None

  
MAYOR

ATTEST:



CITY CLERK

CITY OF SANTA CLARITA